

## **ORDINANCE NO. 383**

**AN ORDINANCE OF THE CITY OF CENTER LINE TO AMEND CHAPTER 74, UTILITIES, ARTICLE III, WATER, SPECIFICALLY SECTION 74-75. LIEN; EFFECTIVE DATE, REGULATION AND SECTION 74-75. LIEN; EFFECTIVE DATE, REGULATIONS AND TO REPEAL ANY ORDINANCE IN CONFLICT THEREWITH, EFFECTIVE IMMEDIATELY.**

**THE CITY OF CENTER LINE ORDAINS:**

### **ARTICLE III, WATER**

Sec. 74-75. Lien; effective date, regulations.

A. The city shall have, as security for the collection of any water rates or any assessments, charges or rentals due or to become due for the use or consumption of water supplied hereunder either through the regular water meter or the area maintenance meter to any house or other building or any premises, lot or parcel of land, a lien upon such house or other building and upon the premises or lot, or parcel upon which such house or other building shall be situated or to which such water was supplied. Such lien shall become effective immediately upon the distribution of the water to the premises or property supplied, but shall not be enforceable for more than three years. Such lien may be enforced by the city in the manner prescribed by the general laws of this state providing for the enforcement of tax liens, provided that the provisions of this section shall not be construed as preventing the city from suing such owner by action in the name of the city for the amount so due to it, or from preventing the city from cutting off such water services from the premises at any time such water charges have not been paid.

**B. Under Michigan State Law (MCL 123.165), the provision referenced above creating alien on the premises shall not apply if:**

- 1. A lease of the premises has been legally executed and filed with the water division which contains a provision that the lessor shall not be liable for payment of water or sewage system bills accruing subsequent to compliance with the requirements contained in section 5 of the Collection of Water Charges Act, Act 178 of the Public Acts of 1939, MCL 123.165; and**
- 2. An affidavit is filed with the water division attesting to the execution of a lease containing the provision required by section 5 of the Collection of Water Charges Act, Act 178 of the Public Acts of 1939; MCL 123.165; and**
- 3. The affidavit contains notice of the expiration date of the lease; and**
- 4. The affidavit contains a provision whereby the lessor agrees to provide twenty (20) days' notice of any cancellation, changes in or termination of the lease; and**

**5. A security deposit in an amount sufficient to protect the system from loss in the event that lessees in the lease agreement fail to make timely usage payments. The amount required shall be determined in the sole discretion of the water division administration.**

**6. All lessors seeking relief from the imposition of a lien must comply with each of the requirements set forth in this section regardless of the term of the lease.**

**7. The water division shall keep a log of each affidavit and lease received including the date received, the expiration date of the lease, the amount of deposit received and name of lessee.**

**D. At its option, and in addition to the remedies set forth above, the city may bring suit in a court of competent jurisdiction for the collection of any water or sewage service charge which is thirty (30) days delinquent.**